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Attorneys for Defendant and Counterclaimant
MICREL, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GREGORY BENDER,

Plaintiff and
Counterdefendant,

v.

MICREL, INC.,

Defendant and
Counterclaimant.

Case No. C09-01144 SI

[PROPOSED] SCHEDULING ORDER

Pursuant to the Court's Order during the parties' October 23, 2009 Case Management Conference, the parties, through their counsel, hereby STIPULATE and AGREE to the below schedule:

ACTIVITY	PROPOSED DATES
Initial disclosures (FRCP 26)	October 16, 2009
Bender to serve Disclosure of Asserted Claims and Infringement Contentions and accompanying documents (Patent L.R. 3-1, 3-2)	November 6, 2009
Last day to amend pleadings	November 27, 2009
Micrel to serve Invalidity Contentions and accompanying documents (Patent L.R. 3-3, 3-4)	December 21, 2009
Parties to exchange Proposed Terms and Claim Elements for Construction (Patent L.R. 4-1)	January 4, 2010
Parties to exchange Preliminary Claim Constructions and Extrinsic Evidence (Patent L.R. 4-2)	January 25, 2010
Parties to file Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3)	February 19, 2010
Completion of Claim Construction Discovery (Patent L.R. 4-4)	March 22, 2010
Case Management Conference	June 11, 2010 at 3 p.m.
Bender' Opening Claim Construction Brief and supporting evidence (Patent L.R. 4-5(a))	August 4, 2010
Micrel's Responsive Claim Construction Brief and supporting evidence (Patent L.R. 4-5(b))	August 18, 2010
Bender' Reply Claim Construction Brief and supporting evidence (Patent L.R. 4-5(c))	August 25, 2010
Technology Tutorial Hearing	September 8, 2010 (2hrs @ 3:30 p.m.)
Claim construction hearing	September 9, 2010 (2hrs @ 3:30 p.m.)
Close of fact discovery	December 3, 2010
Last day to serve expert disclosures and reports (FRCP 26(a)(2))	January 14, 2011
Last day to serve rebuttal expert reports	February 11, 2011
Close of expert discovery	March 11, 2011
Last day to file dispositive motions	May 20, 2011 hrg: 6/24/11 @ 9 a.m.
Pre-trial disclosures (FRCP 26(a)(3))	December 2, 2011
Final pretrial conference	January 10, 2012 @ 3:30 p.m.
Trial	January 30, 2012 @ 8:30 a.m.

Respectfully submitted,

Dated: October 30, 2009

By:

David N. Kuhn
Attorney-at-Law
144 Hagar Avenue
Piedmont, California 94611
Telephone: (510) 653-4983
Counsel for Plaintiff Gregory Bender

Dated: October 30, 2009

By: /

Mark E. Miller
O'Melveny & Myers LLP
Counsel for Defendants and Counterclaimant
MICREL, INC.

Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this document has been obtained from each of the above-listed signatories.

Respectfully submitted,

Dated: October 30, 2009

By:

David N. Kuhn
Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION IT IS SO ORDERED:

Dated: _____



Judge Susan Illston
United States District Judge